

**MINUTES OF MEETING**  
**RUSH COUNTY BOARD OF ZONING APPEAL**  
**Tuesday, November 3, 2009**  
**7:30 P.M.**

**ROLL CALL:** Present were Michael Beard Jr., Lois Hatfield, Mike Holzback, Bryan McMahan, David Rogier, Gilda Caviness, and William Todd.

**MINUTES:** Minutes of the meeting of October 6, 2009, were approved as presented on a motion by Beard and a second by Hatfield.

**SPECIAL EXCEPTIONS:**

1. Clyde & Wilma Ripberger Family Trust, Chris Ripberger, Trustee 455 S 800 E, Glenwood, IN, Kyle Ripberger, Agent, is requesting a special exception for a dwelling in A-3 zone on less than 40 acres, Code use 7.10.6.a.1, 6625 N 700 E, Washington Twp, Section 32, T15N, R11E.

Kyle Ripberger withdrew petition on 11-01-09.

**VARIANCES:**

1. D & P Bacon Trust, 9484 S 500 W, Milroy, IN, are requesting a variance from 2 acres to 1 acre, Rush County Zoning Ordinance Section 7.10.5.a.3, Orange Twp, Section 21, T12N, R9E, zoned A-3. Continued from 10-09.

No remonstrators were present. Mr. Bacon addressed the board on septic, water well & shed. Reno Gosser had given him a paper stating there was room for a new septic, at this time he can only do 10 feet around the well not required 50 feet, and he didn't meet the 40 foot setback. Motion by Hatfield: Mr. Chairman, having reviewed the petitioner's application and its contents, and having heard and considered the evidence presented at this hearing; and having reviewed all 7 requirements included on the application for variance, I move to deny a variance petition due to non compliance with 7.10.5.a.3. Motion seconded by Beard. All voted aye.

2. Eugene Reddick, 7 East Henley Street, Carthage, is requesting a variance from 10 feet to 2 feet on the South side and from 10 feet to 3 feet on the West side for a garage, zoned R-1.

No remonstrators were present. McMahan made the following motion: Mr. Chairman, having reviewed the petitioner's application and its contents, and having heard and considered the evidence presented at this hearing; and having found in the affirmative on all 7 requirements included on the application for variance, I move to grant a variance to Eugene Reddick,

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7 East Henley Street, Carthage, IN, from 10 feet to 2 feet on the South side, and from 10 feet to 3 feet on the West side for a garage. Motion seconded by Beard. All voted aye. Motion passed.

3. Bradford Huntington & Associates LLC, Larry Wilkinson, Agent, is requesting a variance from 10 feet to one foot on East side and from 10 feet to 8 feet on the South rear yard for a mini barn, 821 W 8<sup>th</sup> Street, Rushville City, zoned R-1.

Three remonstrators were present. Most of the remonstrators were concerned with the petitioner restricting access to the rear of lots to the south and west, such as fire department and utility if electric utility poles were damaged or destroyed. Motion by Hatfield to continue petition until December to allow Wilkinson time to try to relocate the mini barn to the North side. Motion seconded by McMahan. All voted aye.

4. Bradley & Shelly Smith, 833 Parkview Drive, Rushville City, are requesting a variance from 10 feet to zero feet on the South side for a storage shed, zoned R-1.

Failed to place ad in paper or notify adjoining neighbors. Removed from agenda.

**APPEALS:** None

**REVIEWS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**AUDIENCE PARTICIPATION:** None

**REPORTS:** None

**ADJOURN:** Motion by McMahan, second by Beard, all voted aye.